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Raymond Clark

C.D.C.#D-99370

1 Box#3471, 3d-214-L

2 Corcoran, CA.93212

3 Pro-Se.

4 UNITED STATES DISTRICT COURT  
5 FOR NORTHERN DISTRICT CALIFORNIA  
6FILED  
JUL - 3 2008  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

7 Raymond Clark, Plaintiff,

8 vs.

9 JOHN F. SCHUCK, Defendant

Case No. CU-08-2547 JW (PR)

NOTICE AND MOTION FOR RELIEF  
FROM JUDGMENT ORDER UNDER  
Rule 60(b)(3) Fed. R. Civ. Proc.

12 PLEASE TAKE NOTICE, that the PLAINTIFF herein moves the  
13 for an order of relief from judgment entered against him deny-  
14 ing Plaintiff permission to proceed in forma pauperis, pursuant  
15 to rule 60(b)(3)(C) federal rules of civil procedure.

16 For the record Plaintiff filed a motion to proceed in forma pau-  
17 peris, which was rejected by the court because of reasons not  
18 within the limits of Plaintiff's control and culpability.

19 Plaintiff submitted two certifications for Inmate Trust Account  
20 STATEMENT TO "Yo Espiritu" at Delano, reception center located  
21 in KERN COUNTY CALIFORNIA, a.k.a NORTH KERN STATE PRISON.  
22 However "Yo Espiritu" apparently exercising some personal and/or  
23 unwritten institution policy refused comply which the in forma  
24 pauperis provisions of P.L.R.A. and Title 28 U.S.C. 1915 et. seq.

25 whereas on order of the court Plaintiff attempted to compel  
26 "Yo Espiritu" by "602" Grievance Process on June 4, 2008, a true copy  
27 of which was served on this court with another motion to proceed  
28

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informa pauperis ex parte under local rule 3-10 of L.R. for the northern district court. PLAINTIFF WAS TRANSFERRED TO CORCORAN STATE PRISON ON JUNE 9, 2008, and notified the court of said transfer on June 10, 2008, in accordance with local rule 3.11...

The ultimate reasons for the Plaintiff NON-compliance were state representatives e.g. "El Espiritu" willful failure to perform duty enjoined by California Government Code §1222, and Plaintiff should as a matter of right be granted relief pursuant to rule 60(b) F.R.C.P. and Cal. Govt Code §1222.

#### GROUNDS FOR RELIEF

One federal Circuit Court of Appeal Established Precedent in situations concerning the subject matter and the extrinsic activities thereof. Holding: WHEN PRISON OFFICIALS IMPEDE THE GRIEVANCE PROCESS. Administrative Remedies have been EXHAUSTED RE. MILLER V. TANNER. \_\_\_\_\_ F.3d. \_\_\_\_\_. (1999).

Under rule 19(a)(2)(i), Joinder of Persons Needed for Just Adjudication. under the rule "El Espiritu" NON-Party may be joined - for impeding access to court, whether or not he or she done so, at the express request of defendant John F. Schuck, because the state tout of willful failure to perform duty enjoined by law, under Cal. Government §1222 and actionable under 42 U.S.C. §1983.

Denial of access to constitutional right of access to courts is redressable under 42 U.S.C. §1983.

#### MEMORANDUM OF POINTS AND AUTHORITIES

1.) Action based on negligence when it leads to a deprivation of rights JENNENS V. AVERETT, 424 F.2d. 1228.

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2.) In respect to filing Papers such as 28 U.S.C. § 1915, "Espinoza" has no discretion that merits immunity. the act is mandatory Cal. Government Code sections 1220, 1221, 1222 et. seq. associated with the court system. cf. McCray v. Maryland, 456 F.2d. 1. (1972)

3.) "Espinoza" failure to file and return Trust Account Statement twice is a Pattern of Patented violation of Constitutional rights. Protected by the Fourteenth Amendment. cf. California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508, 92 S. Ct. 609, 30 L. Ed. 2d. 642 (1972)

### RELIEF REQUESTED

For the reasons stated above, and the supporting memorandum of Points and authorities. Plaintiff respectfully request to enjoin "Espinoza" in her individual capacity pursuant rule 19, F.R.Cv.P. and grant Relief as authorized under rule 60(b) et. seq.

I declare that the foregoing is true and correct under the Penalty of Perjury. 28 U.S.C. § 1746

Date June 30th. 2008

Respectfully Submitted  
 151. Raymond Clark  
 PLAINTIFF  
 Raymond Clark

To: The Court Clerk  
U.S. District Court  
450 GOLDEN GATE AVE.  
SAN FRANCISCO, CA 94102

Re: Civil Rights Complaint  
42 U.S.C. § 1983

Dear Sir or Ma

I'm am a 55 year old inmate at concord  
State Prison and have been unsuccessfully denied access  
to the courts. I have researched the issue fully and  
have invoked the inmate grievance process "GOL" which  
like my former Parole has not been returned. Please send  
me another 42 U.S.C. § 1983 Complaint and Inmate Parole  
Package so I can have County Court compel C.R.C. Trust  
officer to complete and return the 6 month Certification  
of Inmate Trust Account Statement.

June 30, 2008

THANK YOU  
Raymond Clark

## VERIFICATION

STATE OF CALIFORNIA  
COUNTY OF KINGS

(C.C.P. SEC. 446 & 2015.5; 28 U.S.C. 1746)

I, Raymond Clark DECLARE UNDER PENALTY OF PERJURY THAT:  
I AM THE PLAINTIFF IN THE ABOVE ENTITLED ACTION. I HAVE  
READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND  
THE SAME IS TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED  
THEREIN UPON INFORMATION, AND BELIEF, AND AS TO THOSE MATTERS, I  
BELIEVE THEM TO BE TRUE.

EXECUTED THIS 30th DAY OF JUNE 2008  
AT CORCORAN, CALIFORNIA.

(SIGNATURE) Raymond Clark  
(DECLARANT/PRISONER)

## PROOF OF SERVICE BY MAIL

(C.C.P. SEC. 1013 (a) & 2015.5; 28 U.S.C. SEC. 1746)

I Raymond Clark AM A RESIDENT OF  
STATE OF CALIFORNIA, I AM OVER THE AGE OF  
EIGHTEEN (18) YEARS OF AGE AND AM / A PARTY OF THE ABOVE INTITLED  
ACTION. MY ADDRESS IS P.O. BOX 3471, CORCORAN, CA. 93212.

ON June 30th 2008 IS SERVED THE FOREGOING. Rule 60(B) Motion  
FOR RELIEF ON INFORMIA PAUPERUS DENIAL - REQUEST FOR 42 U.S.C. 1983

(SET FORTH EXACT TITLE OF DOCUMENTS SERVED)  
ON THE PARTY(S) HEREIN BY PLACING A TRUE COPY(S) THEREOF, ENCLOSED IN A  
SEALED ENVELOPE(S), WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES  
MAIL, IN A DEPOSIT BOX SO PROVIDED AT CORCORAN STATE PRISON.

UNITED STATES DISTRICT COURT  
450 GOLDEN GATE AVE.  
SAN FRANCISCO, CA. 93212

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED,  
AND THERE IS REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING  
AND THE PLACE SO ADDRESSED, I DECLARE UNDER PENALTY OF PERJURY THAT THE  
FOREGOING IS TRUE AND CORRECT.

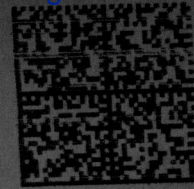
DATE: June 30th 2008

Raymond Clark  
(DECLARANT/PRISONER)



Raymond Clark #579370  
Box #3476, SCI-214-L  
CORCORAN, CA. 93212

CORCORAN STATE PRISON



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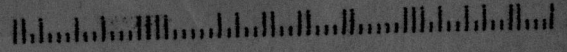
STATE  
PRISON  
CORCORAN

UNITED STATES NORTHERN DISTRICT COURT  
450 GOLDEN GATE AVENUE  
SAN FRANCISCO, CALIFORNIA 94102

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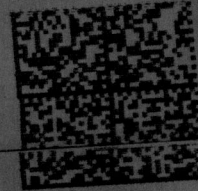
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*Handwritten signature and date 6.8.08*